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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,938	10/23/2000	Ashwin Sampath	Sampath 3-24-7	8514

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Harness, Dickey & Pierce, P.L.C
P.O. Box 8910
Reston, VA 20195

EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,938

Applicant(s)

SAMPATH ET AL.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,20,24,26,33,37,38,46,49,62,66,68,74 and 78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-45, 47-48, 50-61, 63-65, 67, 69-73, 75-77, 79-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

1. This Office action for amendment received on 11/14/2005.
2. The second proposed independent claims 1, 25, 39, 45, 67, 79 were sent to attorney on 1/20/2006 via email, however no response being received. The above independent claims lacks the structural connections to be formed in between elements in the claim. The proposed claims, 1/20/2006, are included in below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-44, 79-83 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

The omitted structural cooperative relationships are:

Claim 1 is a system claim, which lacks the structure connections for the elements in the system associated with the functions for generate, combine.

Claim 25 is a device claim, which lacks the structural connections for the elements in the device associated with the functions for analyze, combine.

Claim 39 is a device claim, which lacks structural connections for the elements in the device associated with the function for combine, associated with the elements error start indicator and error length indicator.

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Claim 79 is a method claim which lacks any method steps. The elements in this claim are formed such that it is difficult to be modified. Therefore, a cancellation of this claim is suggested.

The dependent claims are also rejected due to their dependency upon rejected independent claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-45, 47-48, 50-61, 63-65, 67, 69-73, 75-77, 79-83 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument in appeal brief, 11/14/2005, the proposed claim modification has communicated with applicant, but there is no response received. The proposed claims are list in below. The above claims are rejected due to lack of structural connections.

6. **The following is the proposed claims sent to attorney on 1/20/2006.**

The proposed independent claims 1, 25, 39, 45, 67, 79, as shown below with the **underlined & strikethrough markings**, for the modifications.

Claim 1. (Previously Presented) A frame selection system comprising:

means for generateing at least one enhanced frame comprising at least one error burst representation;

means for generateing at least one enhanced frame copy comprising

substantially the same data, structure and format of said at least one enhanced

frame having at least one error burst representation but not necessarily the same error;

means for combineing an acceptable portion of the enhanced frame with an

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acceptable portion of the enhanced frame copy based on the error burst representations to form a combined frame of a higher quality than the enhanced frame at least during a soft-handoff.

Claim 25. (Previously Presented) A device for analyzing at least one error burst representation within an enhanced frame;
means for analyzing at least one error burst representation within an enhanced frame;
means for analyzing at least one error burst representation within an enhanced frame copy comprising substantially the same data, structure and format of said at least one enhanced frame having at least one error burst representation but not necessarily the same error;
means for combining an acceptable portion of the enhanced frame with an acceptable portion of the enhanced frame copy based on the respective error burst representations to form a combined frame of higher quality than the enhanced frame at least during a soft-handoff.

Claim 39. (Previously Presented) A device for combining an acceptable portion of an enhanced frame comprising at least one error burst representation means that includes an error start indicator and error length indicator with an acceptable portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality than the enhanced frame at least during a soft-handoff;
where in said enhanced frame copy comprising substantially the same data, structure and format of said at least one enhanced frame having at least one

error burst representation but not necessarily the same error.

Claim 45. (Previously Presented) A frame selection method comprising:

generating at least one enhanced frame comprising at least one error burst representation;

generating at least one enhanced frame copy comprising substantially the same data, structure and format of said at least one enhanced frame having at least one error burst representation but not necessarily the same error;

combining an acceptable portion of the enhanced frame with an acceptable portion of the enhanced frame copy based on the error burst representations to form a combined frame of a higher quality than the enhanced frame at least during a soft-handoff.

Claim 67. (Previously Presented) A frame selection method comprising:

analyzing at least one error burst representation within an enhanced frame;

analyzing at least one error burst representation within an enhanced frame copy wherein the enhanced frame copy comprising the substantially the same data, structure and format of said at least one enhanced frame having at least one error burst representation but not necessarily the same error;

combining an acceptable portion of the enhanced frame with an acceptable portion of the enhanced frame copy based on the respective error burst representations to form a combined frame of higher quality than the enhanced frame at least during a soft-handoff.

Claim 79 needs to be canceled, due to the difficulty of modifying it, to include the

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structural steps, usually, in the method claim.

The previously version of claim 79 is included in below:

Claim 79. (Previously Presented) A method comprising combining an acceptable portion of an enhanced frame comprising at least one error burst representation that includes an error start indicator and error length indicator with an acceptable portion of an enhanced frame copy based on an error burst representation within each frame to form a combined frame of a higher quality than the enhanced frame at least during a soft-handoff; where in said enhanced frame copy comprising same data, structure and format of said at least one enhanced frame having at least one error burst representation but not necessarily the same error.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

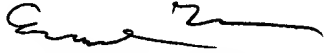
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow *CC*

January 31, 2006.


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